



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JESUS HERALDEZ-MARTINEZ, } Case No. EDCV 07-389 MMM(JC)
Petitioner, }
v. } ~~(PROPOSED)~~
TERESER A. BANKS, } ORDER ADOPTING FINDINGS,
Respondent. } CONCLUSIONS, AND
 } RECOMMENDATIONS OF
 } UNITED STATES MAGISTRATE
 } JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus by a Person in Federal Custody (the “Petition”), all of the records herein, and the attached Report and Recommendation of United States Magistrate Judge. The Court approves and adopts the United States Magistrate Judge’s Report and Recommendation.

IT IS HEREBY ORDERED that (1) Respondent’s Motion to Dismiss is denied as moot; and (2) Judgment be entered denying the Petition and dismissing this action without prejudice.

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1 IT IS FURTHER ORDERED that the Clerk serve copies of this Order, the
2 United States Magistrate Judge's Report and Recommendation, and the Judgment
3 herein by United States mail on Petitioner and on counsel for Respondent.

4 LET JUDGMENT BE ENTERED ACCORDINGLY.
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6 DATED: May 20, 2008

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8 Margaret M. Morrow
9 HONORABLE MARGARET M. MORROW
10 UNITED STATES DISTRICT JUDGE

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